

### **REMARKS**

Claims 1-32, 34-46 and 49 remain in the case and new Claims 50-52 are added. Claims 1, 22, 32, 46, 49 and 50 are in independent form. Favorable reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

#### **Claim Rejections - 35 USC § 102:**

Claims 1-7, 9-12, 14-18, 20-26, 28, 29, 31-32, 34-39, 42-46 and 49 are rejected under 35 USC 102(b) as being anticipated by Falciglia, U.S. Patent 5,935,002.

Through the Examiner Interview held May 10, 2007 it was agreed that the free "gift" taught in Falciglia '002 is not the award representation found in base Claims 1, 22, 32, 46 and 49. Therefore, Applicant believes that the previous grounds for a 35 USC 102(b) rejection for Claims 1-7, 9-12, 14-18, 20-26, 28, 29, 31-32, 34-39, 42-46 and 49 is obviated.

#### **Claims 5 and 7:**

With further regards to Claims 5 and 7, Applicant respectfully disagrees with the Examiner's argument because the passages cited by the Examiner do not speak of generating a called number.

#### **Claims 5, 6 and 49:**

With further regards to Claims 5, 6 and 49, Falciglia '002 does not teach generating at least one called number common for all of the at least one player when utilizing the embodiment of Figures 1-4 (i.e. the simulated slot machine with mechanical wheels). In fact, because the embodiment of Figures 1-4 of Falciglia '002 require each player to act individually by pulling respective actuation arms (5), numbers are chosen at different times and independently for each player. This is further emphasized by the wheels not having only numbers. For instance, the fifth wheel of Falciglia '002 has a "gift" window. If one player gets a number and another player gets a different number or the gift in the fifth window, the numbers of Falciglia are not common.

Consequently, Claim 49 of the present invention is not anticipated by Falciglia '002 under 35 U.S.C. 102(b).

**Claim Rejections - 35 USC § 103:**

Claims 8, 27, 40 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Falciglia, U.S. Patent 5,935,002 and in view of that allegedly known to be obvious to one of ordinary skill in the art.

Contrary to the Examiner's arguments, the cited Falciglia passages teach generating the bingo card and not the call numbers claimed in Claims 8, 27, 40 and 41.

Consequently, Claims 8, 27, 40 and 41 are non-obvious and patentable over Falciglia '002 and in view of that allegedly known to be obvious to one of ordinary skill in the art.

Claims 13, 19 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Falciglia, U.S. Patent 5,935,002 and in view of Lind, U.S. Patent Publication 2004/0176169.

Because the base claims are patentable, the dependent Claims 8, 27, 40 & 41 and dependent Claims 13, 19 & 30 are non-obvious and patentable. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious, In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988).

**New Claims:**

Claim 50 is similar to Claims 1, 4 and 5 combined and is patentable over the cited prior art because Falciglia '002 does not teach the display of a bingo card, generating called numbers, and selecting either a win or a lose representation while displaying such directly on a mechanical technological aid.

Claim 50 is patentable over the cited prior art because Falciglia '002 does not teach call numbers being common between players and between play stations.

Claim 51 is patentable over the cited prior art because Falciglia '002 does not teach a mechanical aid that carries a plurality of award representations and wherein the aid spins prior to displaying a selected one of the award representations.

**Summary:**

Please enter the Interview Summary, accept the RCE, and reconsider Claims 1-32, 34-46 and 49 and consider new Claims 50-52 in view of the above remarks.

A copy of the claims is attached to facilitate examination.

If it is determined that any fees are due, the Commissioner is hereby authorized and respectfully requested to charge such fees to Deposit Account No. 08-2789 in the name of Howard and Howard Attorneys, P.C.

Respectfully submitted,

**HOWARD AND HOWARD ATTORNESY, P.C.**

June 27, 2007

Dated

/DAVID A. BURNS/

David A. Burns, Registration No. 46,238  
The Pinehurst Office Center  
39400 Woodward Avenue, Suite 101  
Bloomfield Hills, MI 48304-5151  
Phone: (248) 723-0486